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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,978

10/28/2005

Shahara Khaleque

9489

23617 7590 04/08/2009
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EXAMINER

PAGAN, JENINE MARIE

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

04/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,978	Applicant(s) KHALEQUE, SHAHARA	
	Examiner JENINE M. PAGAN	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/31/2009 has been entered.

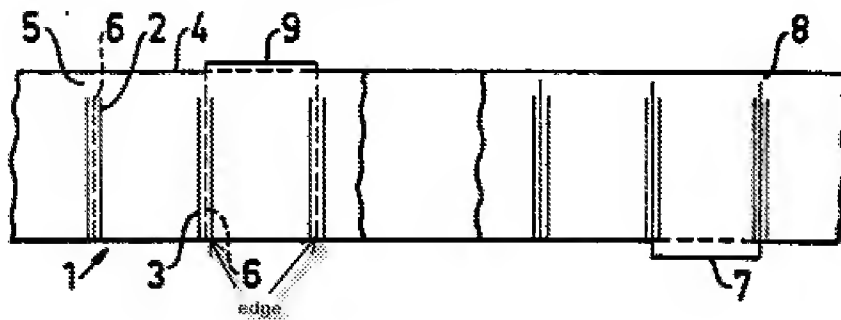
Claims 1, 5 and 10-21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

FIG.1



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3. Claims 1, 5 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norberg (EP 126833 A) disclosed on Applicant's IDS in view of Brady, Jr. (US 3,896,246).

Claim 1: Norberg discloses an information display arrangement (Col 2:4-13 and Col 3:3-11):

- a plurality of pockets (see figure above), each pocket having a front panel and a back panel, at least one edge (5) of each pocket being open so that a piece of writing material can be inserted into that pocket, each front panel being sufficiently transparent to enable such a piece of writing material in the respective pocket to be seen through the front panel from the outside, the back panels being integrally formed with each other and connected by their edges edge-to-edge in a strip with means defining lines (2/3) between adjacent pockets along which those pockets can be readily separated, and the back of the strip being self-adhesive to enable the pocket(s) separated from the strip to be adhered to a surface

Norberg discloses separation lines (6) but it does not specifically disclose:

- the back panels being sufficiently brittle that they can readily be snapped apart along the separation lines

However Brady discloses:

- the back panels being sufficiently brittle that they can readily be snapped apart along the separation lines

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the back be made of a material that is brittle and cause a snap separation along the separation lines of Norberg as taught by Brady, since Brady suggests at Col 4:45 - Col 5:3, 15-19 and figures 9 and 10 that such a modification would allow the pockets to be separated and still strong and sturdy enough to be reused over and over again.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the plastic of Norberg be sufficiently brittle, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Claim 5: Norberg discloses an information display arrangement (Column 3:9- 11, 17-19):

- including a continuous backing layer covering the self-adhesive back of the strip, the backing layer being tearable along the separation line and being peelable from the separated pocket(s) to expose the self- adhesive back(s) of the separated pocket(s)

Claim 10: Norberg discloses an information display arrangement where the pockets are each generally rectangular and is arranged longer-edge to longer-edge in the strip. Fig. 1

Claim 11: Norberg discloses an information display arrangement where the pockets are each generally rectangular with one of their shorter edges open 4.

Fig. 1

Claim 12: Norberg discloses an information display arrangement further including a further such strip, the strips being connected by their edges edge-to-edge and being readily separable from each other. (Fig. 1 see figure above)

Claim 13: Norberg discloses an information display arrangement (Col 2:4-13):

- with a plurality of pieces of writing material, that can readily be divided up into a plurality of pieces of writing material, each of which can be written on and inserted into one of the pockets

4. Claims 14-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norberg (EP 126833 A) disclosed on Applicant's IDS in view of Popat (US 6,001,209).

Claim 14: Norberg discloses an information display arrangement (Col 2:4-13 and Col 3:3-11)

a plurality pockets (see figure above), each pocket having a front panel and a back panel, at least one edge (5) of each pocket being open so that a piece of writing material can be inserted into that pocket, each front panel being sufficiently transparent to enable such a piece of writing material in the respective pocket to be seen through the front panel from the outside, the pockets being connected by their edges edge-to- edge in a strip in such a way that one or more of the pockets can be readily separated from the remainder of the strip, the

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pockets being integrally formed with each other in the strip with means defining lines (2/3) between adjacent pockets along which those adjacent pockets can be readily separated, the back of the strip being self- adhesive to enable the pocket(s) separated from the strip to be adhered to a surface and the arrangement further including backing piece each covering the self-adhesive back of a respective one of the pockets, each backing piece being peelable from the respective pocket to expose the self-adhesive back of the respective pocket

Norberg does not specifically disclose:

- the backing pieces being separate

However Popat discloses:

- separate backing pieces 286

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the backing pieces of Norberg be separate as taught by Popat, since Popat suggests at Col 8:43-50 that such a modification would allow each label to be divided as a whole separately when it is ready to be used.

Claim 15: Norberg discloses the backing pieces claimed but it does not specifically disclose:

each backing piece is a piece of writing material of a size such that it can be inserted without folding into the respective pocket

However Popat discloses:

- each backing piece 286 is a piece of writing material of a size such that it can be inserted without folding into the respective pocket

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the backing pieces of Norberg be used as writing pieces sized to fit in the pockets as taught by Popat, since Popat suggests at Col 8:51-60 that such a modification would allow each backing piece to be sized to fit in the pockets to be used as labels and also are thin and sized perfectly to easily go through a printer if desired.

Claim 16: Norberg discloses an information display arrangement where the strip is flexible and is readily tearable along the separation lines 6. (Fig. 1)

Claim 18: Norberg discloses an information display arrangement where the pockets are each generally rectangular and is arranged longer-edge to longer-edge in the strip. Fig. 1

Claim 19: Norberg discloses an information display arrangement where the pockets are each generally rectangular with one of their shorter edges open 4. Fig. 1

Claim 20: Norberg discloses an information display arrangement further including a further such strip, the strips being connected by their edges edge-to-edge and being readily separable from each other. (Fig. 1 see figure above)

Claim 21: Norberg discloses an information display arrangement (Col 2:4-13):

- with a plurality of pieces of writing material, that can readily be divided up into a plurality of pieces of writing material, each of which can be written on and inserted into one of the pockets

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5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norberg (EP 126833 A) disclosed on Applicant's IDS in view of Popat (US 6,001,209) and further in view of Brady, Jr. (US 3,896,246).

Claim 17: Norberg/Popat discloses the back panels are integrally formed as stated above in claim 14 but they do not specifically disclose:

- the back panels are sufficiently brittle that they can readily be snapped apart along the separation lines

However Brady discloses:

- the back panels are sufficiently brittle that they can readily be snapped apart along the separation lines

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the back be made of a material that is brittle and cause a snap separation along the separation lines of Norberg as taught by Brady, since Brady suggests at Col 4:45 - Col 5:3, 15-19 and figures 9 and 10 that such a modification would allow the pockets to be separated and still strong and sturdy enough to be reused over and over again.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the plastic of Norberg be sufficiently brittle, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Response to Remarks

6. Applicant's arguments with respect to claims 1, 5 and 10-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENINE M. PAGAN whose telephone number is (571)270-3216. The examiner can normally be reached on Monday - Thursday, 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/J. Gregory Pickett/
Primary Examiner, Art Unit 3728

/Jenine M Pagan/
Examiner, Art Unit 3728